IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21920 of 2004

Between:

Smt. R. Ramulamma, W/o. Challa Gopal,
R/o. Malkapuram Village, Dharmavaram Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram Mandal, Anantapur District.
3 The Mandal Revenue Officer, Dharmavaram Mandal, Anantapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of certiorari against the orders of the 1st respondent dt. 26.11.2004 vide proceedings Rc.K4/DMV/1373/04 as being arbitrary, illegal and violated by non application of mind and further declaration against the order of the 2nd respondent is suspending the authorization of the petitioner vide proceedings Rc. 2876/04/F dt. 18.11.2004 as being arbitrary, illegal, unconstitutional and violative of the principles of natural justice.

Counsel for the Petitioner:Mr.C.KODANDA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The authorization of the petitioner was suspended by the 2nd respondent through proceedings, dated 18.11.2004, on the ground that she has not supplied the rice meant for 'food for work' properly and that there are irregularities in the matter of distribution of Kerosene and other commodities. The petitioner preferred an appeal before the 1st respondent together with an application for grant of stay. Through the order, dated 26.11.2004, 1st respondent took the appeal on file but rejected the application for stay. Petitioner seeks appropriate directions so as to enable her to continue as fair price shop dealer, pending disposal of the appeal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

While rejecting the application for grant of stay, 1st respondent did not state any reason nor does it appear that he has examined the matter objectively. When the Control Order has conferred the power to grant interim orders, the same ought to have been exercised in objective manner. Rejection of application without stating any reason cannot be said to be a proper exercise of power. Further, main allegation against the petitioner relates to distribution of rice meant for 'food for work'. The same is not at all an integral part of the functions of a fair price shop dealer. It is not stated as to at what point of time, the alleged irregularity has taken place and how subsequent allotments were made without verification of proper supply.

For the foregoing reasons, the writ petition is disposed of directing that the order, dated 18.11.2004, shall remain suspended, pending disposal of the appeal by the 1st respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 30th November, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The Joint Collector, Anantapur, Anantapur District.
2 The Revenue Divisional Officer, Dharmavaram Mandal, Anantapur District.
3 The Mandal Revenue Officer, Dharmavaram Mandal, Anantapur District.

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

5 2CD copies